IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11368 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAMIYATBHAI KARSANBHAI PATEL

Versus

THAKOREBHAI MADHAVLAL PATEL

Appearance:

1. Special Civil Application No. 11368 of 2002

MR MUKESH R SHAH for Petitioner No. 1

MR RAMNANDAN SINGH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 05/09/2003

ORAL JUDGEMENT

Rule. Shri Ramnandan Singh waives service of rule on behalf of the respondent.

At the request of the learned advocates, the

petition is finally heard today.

2. Looking to the fact and the course adopted by this Court, I do not think it necessary to state the facts giving rise to this petition in detail. Suffice it to say, that by virtue of Civil Suit no.19 of 2002 filed in the Court of Civil Judge (Junior Division) Hasot, by the respondent, the petitioner has been prevented from putting up construction on some land which according to the respondent does not belong to the petitioner but is a part of the public road.

3. Without going into the merits of the case, it is directed that the said suit shall be finally decided by the Trial Court as soon as possible and preferably within a period of two months. Till the said suit is finally decided, status quo shall be maintained by the parties i.e. the petitioner shall not put up further construction and it would also be not necessary to demolish the construction which is alleged to have been put up on the public road.

Needless to say that this case has not been examined on its merits by this Court and this order has been passed only with an intention to see that the entire dispute comes to an end at an early date.

In view of the above direction, learned advocate Shri M.R. Shah seeks permission to withdraw this petition. Permission is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.
Direct Service is permitted.

[A.R. DAVE, J.]

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